

**Subject** Minnesota Voting Rights Act

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## Overview

This bill prohibits a political subdivision or other government official or entity responsible for election administration from taking certain types of actions in the conduct of an election that have disparate impacts on opportunities for participation by members of a racial, color, or language minority group, or members of a federally recognized Indian Tribe. Judicial remedies to enforce the prohibition are provided.

While there are substantive differences, the standards and procedures established by this bill are broadly similar in theme to those contained in the federal Voting Rights Act.

## Summary

Section	Description
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| 1 | <b>Minnesota Voting Rights Act.</b><br>Establishes a title for the act proposed by this bill, the “Minnesota Voting Rights Act.”   |
| 2 | <b>Definitions.</b><br>Establishes definitions for a number of terms that are used throughout the bill.  |
| 3 | <b>Construction and use of authority.</b><br>Requires that laws, rules, local laws, charter provisions, local ordinances, and local codes relating to the right to vote be construed liberally in favor of several listed factors. In exercising its discretion on procedural matters, courts are also required to weigh that discretion in favor of the listed factors. In general, the listed factors relate to the ease of access to voting and other electoral processes by qualified individuals.<br><br>This section also provides that any authority provided by law to prescribe or maintain voting or elections policies and practices must not be exercised to unnecessarily deny or abridge the right to vote. A policy or practice that burdens the right to vote must |

Section	Description
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be narrowly tailored to promote a compelling policy justification that is supported by substantial evidence.

**4 Voter suppression and vote dilution prohibited.**

This section establishes the substantive prohibitions on conduct that form the basis for the judicial actions and remedies that are provided elsewhere in the bill.

**Subd. 1. Voter suppression.** Prohibits a political subdivision or any other government official or entity responsible for election administration from taking an action that results in, is likely to result in, or is intended to result in: (1) a disparity in voter participation, access to voting opportunities, or the opportunity or ability to participate in the political process between a protected class and other members of the electorate; or (2) based on the totality of the circumstances, a denial or impairment of the opportunity or ability of members of a protected class to vote or participate in the political process.

**Subd. 2. Vote dilution.** Prohibits a political subdivision or any other government official or entity responsible for election administration from adopting or enforcing any method of election, or structural adjustment to a political subdivision, that has the effect of impairing the equal opportunity or ability of members of a protected class to nominate or elect candidates of their choice as a result of diluting the vote of members of that protected class.

A number of additional details are provided in subdivision 2, including standards for showing a violation of the law and the types of evidence that may be considered.

**5 Relevant factors for determining violation.**

Provides a list of factors that may be considered by a court when determining whether a violation related to voter suppression or vote dilution has occurred (subdivision 1) but further establishes that any individual factor or combination of factors is not dispositive or necessary to show a violation (subdivision 2).

For claims involving a political subdivision, evidence of the listed factors is most probative if it relates to the political subdivision in which the alleged violation occurred, but still holds value if it relates to the state as a whole or to the geographic region in which that political subdivision is located (subdivision 3).

Evidence concerning an intent to discriminate against members of a protected class is not required to establish a violation of the law (subdivision 4).

A number of factors that the court is prohibited from considering when determining whether a violation has been established are also listed (subdivision 5).

Section	Description
6	<p data-bbox="318 264 508 296"><b>Presuit notice.</b></p> <p data-bbox="318 310 1390 380">Requires a potential plaintiff who may file an action alleging a voter suppression or vote dilution violation to first send a notice letter to the political subdivision.</p> <p data-bbox="367 422 1401 569"><b>Subd. 1. Notice required.</b> Requires a notice letter to identify the violation, the affected class of people, and the type of remedy that may address the potential violation. A court action related to the violation may not be filed until 60 days after the notice letter is sent.</p> <p data-bbox="367 611 1417 831"><b>Subd. 2. Responsibility of political subdivision.</b> Requires a political subdivision that receives a notice letter to work in good faith with the potential plaintiff to address the violation. If the political subdivision adopts a resolution agreeing to enact and implement a remedy, it has 90 days after adoption of the resolution to enact and implement the remedy. The potential plaintiff may not file a court action during this 90-day period.</p> <p data-bbox="367 873 1417 1020"><b>Subd. 3. Approval of remedies.</b> Establishes a procedure for the secretary of state or a district court to approve a political subdivision’s enactment or implementation of a remedy, in situations where the political subdivision may not have independent authority to do so.</p> <p data-bbox="367 1062 1373 1167"><b>Subd. 4. When presuit notice is not required.</b> Provides a list of circumstances under which a prospective plaintiff is not required to submit a presuit notice letter to a political subdivision before pursuing a claim in court.</p> <p data-bbox="367 1209 1295 1276"><b>Subd. 5. Cost sharing.</b> Establishes a procedure to reimburse the filer for reasonable costs associated with producing and sending a notice letter.</p>
7	<p data-bbox="318 1325 862 1356"><b>Right of action; venue; preliminary relief.</b></p> <p data-bbox="318 1367 1417 1514">Establishes judicial procedures related to filing claims for a violation of the law, including identifying the types of plaintiffs that are permitted to file, and related court venue and scheduling matters. Additional procedures would apply in actions where the plaintiff seeks a preliminary remedy with respect to an upcoming election.</p>
8	<p data-bbox="318 1562 456 1593"><b>Remedies.</b></p> <p data-bbox="318 1604 1422 1904">Grants the court broad authority to tailor remedies to best mitigate a violation of the law. Among other things, the court is permitted to consider remedies that have been ordered by a federal court or the court of another jurisdiction based on a similar set of facts or similar violation. The court must consider remedies proposed by named parties in the case, and may also consider remedies proposed by interested nonparties. The court is prohibited from providing deference or priority to a proposed remedy offered by a defendant or political subdivision simply because it was proposed by that defendant or political subdivision.</p>

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9	<p><b>Fees and costs.</b></p> <p>Requires the court to award reasonable attorney’s fees and litigation costs, including expert witness fees and expenses, to a prevailing party other than the state or a political subdivision. Standards for determining when a party has “prevailed” are provided.</p> <p>If a defending party prevails in the action, costs must not be awarded unless the court finds that the action was frivolous.</p>
10	<p><b>Council increased or reduced.</b></p> <p>Provides conforming changes related to the authority of statutory cities to move from at-large to ward-based elections. That authority is provided in section 12 of the bill.</p>
11	<p><b>Wards.</b></p> <p>Permits a city to adopt an ordinance providing for the election of city council members by ward.</p>
12	<p><b>Legislative findings.</b></p> <p>Provides a number of legislative findings related to historical discrimination practices in Minnesota, and a public policy statement affirming that it is the policy of the state to encourage participation in the elective franchise by all eligible voters to the maximum extent; and to ensure that eligible voters who are members of a racial, color, or language minority group have an equal opportunity to participate in the political process of the state and to exercise the elective franchise.</p>
13	<p><b>Effective date.</b></p> <p>Provides that this act is effective the day following final enactment.</p>



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